

of its provisions were included in an amendment included in the reconciliation package. This legislation will increase the likelihood that Medicare beneficiaries will receive a colonoscopy screening examination which is proven to be the most effective way to detect and treat colorectal cancer.

Colorectal cancer is the No. 2 cancer killer in the United States today. This year, according to the American Cancer Society, approximately 145,000 new cases will be diagnosed and 56,000 Americans will die from colon cancer. We have the power to change these sobering statistics by increasing access to this lifesaving procedure. Although Congress passed a colonoscopy screening benefit for Medicare beneficiaries back in 1997, the percentage of seniors receiving a colonoscopy reportedly has increased by only an estimated 1 percent. A recent UCLA study, as discussed in an October 11 Wall Street Journal article, documents the continuing underutilization of screening colonoscopies. It points out that colorectal cancer screening rates still lag far behind those for cervical, breast and prostate cancer. As the Wall Street Journal article concludes, "The results were particularly disturbing because 'we could eliminate this disease if America had the will,'" as the study's lead author noted.

One reason for the underutilization of colonoscopy screening in the Medicare population is rapidly declining rates of reimbursement for the procedure. Medicare reimbursement for colonoscopies performed in the outpatient setting has dropped by nearly one-third from the initial 1998 reimbursement rates. In the majority of States today, Medicaid payment rates actually exceed Medicare reimbursement for colonoscopy. This fact alone underscores the Medicare reimbursement problem is real. This legislation increases Medicare reimbursement for colorectal cancer-related procedures to assure more equitable reimbursement for physicians who absorb significant costs in providing these valuable services.

Another reason for this underutilization is that Medicare currently does not pay for a physician office visit prior to a screening colonoscopy, although it does pay for a physician office visit prior to a diagnostic colonoscopy. The procedures are identical—both involve the same amount of risk, so there is simply no reason why Medicare would pay for an office visit prior to one procedure and not the other. Because Medicare does not pay for this necessary office visit, many physicians must provide them for free. This amendment would fix this discrepancy by providing Medicare coverage for a preoperative visit or consultation prior to a screening colonoscopy, as it does for a diagnostic colonoscopy.

Every year, thousands of Americans needlessly die from colorectal cancer. We have the means to change this and we should do so. I appreciate our Sen-

ate colleagues joining in support of this important legislation.

#### NATIONAL ADOPTION DAY

Mr. JOHNSON. Mr. President, I rise today to acknowledge National Adoption Day on November 19, 2005. With over 118,000 children available for adoption out of the U.S. foster care system, I think it is crucial to celebrate those lawyers, social workers, officials, and, most importantly, parents who help get many children out of foster homes into adoptive families.

National Adoption Day was started in 2000 by the Alliance for Children's Rights, the Freddie Mac Foundation, and the Dave Thomas Foundation for Adoption and helped complete foster care adoptions in nine jurisdictions. National Adoption Day continued to grow and in 2001 completed adoptions in 17 jurisdictions. In 2002, the Casey Family Services, Children's Action Network, the Congressional Coalition on Adoption Institute and Target became National Adoption Day partners and helped 34 cities across the country finalize 1,350 adoptions. In 2003, 3,100 adoptions were completed. National Adoption Day 2004 was the biggest celebration to date, finalizing the adoptions of more than 3,400 children from foster care. It seems quite appropriate that as we celebrate Thanksgiving, we also celebrate the formation of new families through adoption.

As a member of the bipartisan Congressional Coalition on Adoption, I am committed to assisting children in the United States to find stable, loving and permanent homes. Additionally, I support the goals of National Adoption Day to encourage others to adopt children from foster care, to build stronger ties between local adoption agencies, courts, and adoption advocacy organizations, and to continue to research and learn more about families wanting to adopt and the children waiting to be adopted.

I am also proud that Members of the Senate continue to support ways to make adoption easier and more affordable. Since the cost of adoption can be very high, we ought to do what we can to lessen this initial burden for the exceptional people who provide caring homes for children. Adoption proceedings and legal fees for some domestic adoptions can cost more than \$40,000. To ease some of this burden, Congress adopted a \$10,000 tax credit for adoption expenses. If we ask individuals to care for and adopt children, we must provide some relief from the financial burdens associated with that care. The adoption tax credit is an effective vehicle to provide this relief.

The commitment of adoptive parents in South Dakota and throughout our country to provide children with safe, permanent, and loving homes will, of course, have a positive impact on their lives. As we celebrate National Adoption Day on November 19, 2005, I call on my colleagues to continue supporting

efforts to make adoption easier for parents, children and other important players in the adoption process.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS TYLER R. MACKENZIE

Mr. SALAZAR. Mr. President, I want to take a few moments of this body's time to remember a true fallen hero, a Coloradan that has been lost to us in defense of our freedoms.

Last week, on Veterans' Day, the family of PFC Tyler R. Mackenzie buried him back home in Weld County. A native of Evans, CO, Private First Class Mackenzie was killed in early November near Baghdad when an improvised explosive device detonated near his Humvee. He was only 20 years old, taken from his family and friends just a few days shy of his 21st birthday.

Tyler was a tower of a young man, a six-foot-seven-inch high school football player at Greeley West High School. Tyler's coaches remember him for having held himself to the highest standards and being his own toughest critic. He enjoyed the horticulture classes at Greeley West. He expected excellence from himself and refused to accept anything less.

After graduating Greeley West in 2003, Tyler went to work at his family's business, manufacturing kitchen cabinets. He also worked for the Greeley-Evans School District 6.

Tyler was a man of faith, active in his church. Tyler also had a sense of humor, and his older sister used to call him "Monkey" for his ability to climb across the rafters of the family's basement.

But seeking something else, perhaps a larger opportunity to give back to this Nation, Tyler joined the Army in January of this year. He became a member of the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team of the storied 101st Airborne Division that bravely halted the march of tyranny across Europe during World War II. Private First Class Mackenzie was following a long tradition of military service in his family: his two grandfathers had served in the Navy during World War II, and his father had served as a military police officer with the Army.

Private First Class Mackenzie completed basic training in May of this year and was deployed to Iraq on September 28. He had been in Iraq only 6 weeks before his tragic death.

Tyler is exactly the kind of young man we as a Nation are so fortunate to have serving in our Armed Forces. He was a young man of intellect, self-discipline, courage and concern. He joined the Army because he wanted to help, to serve his country as his father and grandfathers and so many others had before him. He wanted to ensure that Iraqis knew the full blessings of their new freedom and could share the same opportunities he had here.

Tyler's sacrifice on behalf of this Nation is a reminder to all of us of the

precious gift we have to live in such a country. To his parents, David and Julie, his sister Nicole and the entire Mackenzie family, this Nation humbly thanks you for Tyler. We are forever grateful for your sacrifice and his.

MARINE LANCE CORPORAL JEREMY P. TAMBURELLO

Mr. President, I wish to speak for a moment about a brave son of Westminster, CO, lost to us in the fighting in Iraq: Marine LCpl Jeremy P. Tamburello.

Lance Cpl. Tamburello was killed earlier this month when his military vehicle was struck by an improvised explosive device near Rutbah, Iraq. He was a member of the 1st Light Armor Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, and was only 19 years old.

Jeremy was a straight-A high school student at Ranum High School in Adams County. Jeremy had a gift for science and dreams of serving his Nation in the United States Marine Corps before going on to pursue a degree in computer science.

When Jeremy announced his intention to join the Marine Corps, his father, Kevin tried at first to talk him out of it, warning him of the terrible risks of serving during this time of conflict in Iraq. Kevin suggested to his son that he pursue a computer science degree at a technical college.

Jeremy's response to his father was respectful, but firm: "This is what I want to do, Dad. Sign the papers."

And so in the summer of 2004, Jeremy Tamburello joined the Marine Corps and began his brave journey of service to America. This past August, he was deployed to Iraq. It was a challenge in which he was a firm believer. He cared about the future of the people of Iraq and about the sacrifices made by the over 3,000 Americans in the September 11th attacks. He wanted to serve his Nation and protect those freedoms that all too often so many of us take for granted and help bring them to the fledgling democracy of Iraq.

This Nation is blessed to have a young man like Lance Cpl. Tamburello. He served his country with honor and distinction, with a courage and conviction that makes us all so very proud. Lance Cpl. Tamburello did not seek glory or parade honors, but instead chose to humbly serve to help shine the blessings of freedom and liberty to those who had for too long languished behind a curtain of oppression.

To Jeremy's family, I can only offer the quiet and humble thanks of a grateful Nation. Jeremy exemplified the nobility and honor, courage and self sacrifice, that has made every American proud of his example. We shall not forget your sacrifice, nor his.

TRIBUTE TO STAFF SERGEANT KYLE B. WEHRLY

Mr. GRASSLEY. Mr. President, today I pay tribute to a true American hero, SSG Kyle B. Wehrly. On November 3, 2005, Staff Sergeant Wehrly was tragically killed in action during Oper-

ation Iraqi Freedom by an improvised explosive device outside of Ashraf, Iraq. He served with B Battery of the 2nd battalion, 123rd Field Artillery Regiment in the Army National Guard.

I request that all Americans join me today in honoring Staff Sergeant Wehrly. We should all remember his bravery, his compassion, and his final sacrifice to the cause of freedom. Throughout our history, great men and women have stood up and given their lives for their country, and it is with great sadness that we pay tribute to another brave American whose time with us was all too short.

Staff Sergeant Wehrly patriotically joined the National Guard when he was only a junior in high school and was sent to the Middle East in October 2004. Upon his arrival in Iraq, his father, Rev. Peter Wehrly of Springfield, IL, recalls that his son only wanted to be sent things he could give away to the Iraqi children. "All he wanted was stuff for kids. Candy, flip-flops. . . . We had five boxes of stuff. He didn't want anything for himself," Reverend Wehrly said.

All those who knew Staff Sergeant Wehrly will greatly miss him. My prayers go out to his family and friends in their time of grief, his father Peter, his mother Nita, and his wife Janet. We should especially remember Staff Sergeant Wehrly's 6-year-old daughter, Kylee, who will unfortunately grow up with too few memories of her courageous and compassionate father. Our thoughts and prayers are with her and with the entire family. It is important to remind them and to remind all Americans that Staff Sergeant Wehrly did not die in vain but, rather, died protecting his country and protecting the freedom of countless individuals around the world. May he always be remembered as the true American hero that he was.

LANCE CORPORAL SCOTT ZUBOWSKI

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who grew up in North Manchester. Scott Zubowski, 20 years old, died on November 12 near Fallujah, Iraq when a roadside bomb exploded under the military vehicle in which he was riding. With his entire life before him, Scott risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Remembered for his intelligence and honorable service, Scott was killed during his second tour of duty in Iraq. A 2003 graduate of Manchester High School, Scott enlisted in the Marine Corps shortly after graduation, inspired by his older brother's Marine service. Recently married to another Manchester graduate, Scott was set to return home before his 21st birthday in March. One of his classmates told the Muncie Star Press that "Not only was he the smartest guy I've ever known, he was unique in a way for which words aren't good enough to actually describe

who he was. But to those of us who knew him and were his friends, his presence made a profound impact in our lives that still continues to shape us today."

Scott was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force. This brave young soldier leaves behind his wife, Klancey; his mother, Barbara Weitzel; his father, Richard Zubowski; and his brothers, David and Brian.

Today, I join Scott's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Scott, a memory that will burn brightly during these continuing days of conflict and grief.

Scott was known for his dedication to his family and his love of country. Today and always, Scott will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Scott's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Scott's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Scott Zubowski in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Scott's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Scott.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law,